

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA :

v. :

PETER GERACE and
MICHAEL GEIGER,

00-CR-9-S

Defendants. :

GOVERNMENT'S WITNESS LIST

THE UNITED STATES OF AMERICA, by and through its attorneys, Kathleen M. Mehltrittter, Acting United States Attorney for the Western District of New York, and Anthony M. Bruce, Assistant United States Attorney, hereby submits its list of the witnesses it intends to call at the trial of the captioned case, together with a summary statement of each witness' (or class of witness) expected testimony.

1. FBI Special Agent Elizabeth Rios

Will identify various Advanced Distributing records seized during a January 30, 1995 search of Advanced Distributing's Premises ("Advanced").

2. Anthony (Tony) Gugino and Brandon DelPrince

Who were both former (among other things) salesmen, reloaders, and customer service representatives for Advanced, will (1) further identify Advanced's records seized in the January 30, 1995 search; (2) testify about Advanced's fraudulent sales methods, (3) testify about the defendants' knowledge of and participation in Advanced's fraudulent sales activities, and, in Gugino's case, about his removing records from Advanced's business premises at the defendants' direction so that those records would not fall into the FBI's hands.

3. Gallagher Printing

Through a representative, will testify and produce records demonstrating that the only certificates they ever printed for Advanced awarded the recipient the "gimme gift."

4. Robert Closson, Austin Davis, Sandra Durham, Carol Morgan, Jamsetta Perry, Jocelin Hewitt, and Elizabeth Gifford

Were all victims of Advanced's fraudulent sales tactics. All of these witnesses will testify about the pitches used during calls they received from Advanced's salespeople, what they bought, what happened when they complained, and so forth. (Elizabeth Gifford's

advanced arthritis will prevent her from traveling to Buffalo to testify and we have moved to take her deposition.)

DATED: Buffalo, New York, September 29, 2005.

Respectfully submitted,

KATHLEEN M. MEHLTRETTER
Acting United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2005, I electronically filed the attached **Government's Witness List** with the Clerk of the District Court using its CM/ECF system, which would then electronically notify the following CM/ECF participant on this case:

Paul J. Cambria, Jr., Esq.

I hereby certify that on September 29, 2005, I mailed the attached **Government's Witness List**, by the United States Postal Service, to the following non-CM/ECF participant:

Joseph M. LaTona, Esq.
716 Brisbane Building
403 Main Street
Buffalo, New York 14203

s/LINDA F. SWIATEK